

ORIGINAL

BEFORE THE IDAHO STATE BOARD OF
CHIROPRACTIC PHYSICIANS

In the Matter of the Chiropractic)	
License of:)	Case No. CHIA-P3C-01-98-002
)	
JEFFREY B. SCHWARTZ, D.C.,)	FINAL ORDER
License No. CHIA-290,)	
)	
Respondent.)	
_____)	

THIS MATTER came on for hearing on September 14, 15, and 22nd, 1998, before Wes L. Scrivner, the designated Hearing Officer. The State appeared in person and by its attorney of record, Kirsten L. Wallace, Idaho Deputy Attorney General. Respondent, Dr. Jeffrey B. Schwartz, appeared in person and by and through his attorney of record, Charles B. Lempesis. Both parties presented witnesses, testimony, and documentary evidence. On October 30, 1998, the Hearing Officer submitted his Findings of Fact, Conclusions of Law, and Recommended Order.

This matter then came before the Idaho State Board of Chiropractic Physicians at a regularly scheduled meeting of the Board on December 11, 1998. The Respondent, his attorney, and the State's attorney presented argument to the Board. The Board, having conducted an independent review of the record and having considered all evidence and arguments of counsel presented before the Hearing Officer, the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order and all other matters of record, and good cause appearing therefor, the Board unanimously adopted the following Order.

FINAL ORDER - 1.

IT IS HEREBY ORDERED as follows:

1. That the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order are hereby adopted and incorporated herein by reference.

2. That the Respondent's conduct has violated Idaho Code Sections 54-712(10) and 54-712(11) as set forth in the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommended Order. Pursuant to Idaho Code Sections 54-707(4), 54-712, and 54-713, the Board possesses the authority to impose the following disciplinary sanctions upon the Respondent, Dr. Jeffrey B. Schwartz: the Respondent's license to practice chiropractic medicine in the state of Idaho shall be revoked and is hereby revoked.

3. This is the Final Order of the Board.

a. Any party may file a Petition for Reconsideration of this Final Order within fourteen (14) days of the service date of this Final Order. The Board will dispose of the Petition for Reconsideration within twenty-one (21) days of its receipt, or the Petition will be considered denied by the operation of law. (See Section 67-5247(4), Idaho Code.)

b. Pursuant to Section 67-5270 and 57-5272, Idaho Code, any party aggrieved by this Final Order, or orders previously issued in this case, may appeal this Final Order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which: (i) a hearing was held; (ii) the final agency action was taken; or (iii) the party seeking review of this Final Order resides.

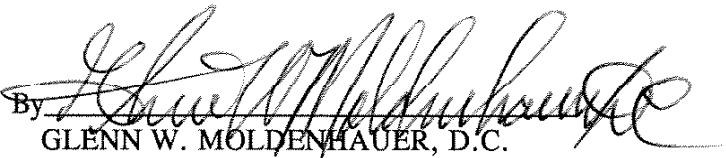
c. An appeal must be taken within twenty-eight (28) days (i) of the service date of this Final Order; (ii) of any order denying petition for reconsideration; or (iii) of

the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. (See Section 67-5273, Idaho Code.) The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

4. The Bureau Chief of the Bureau of Occupational Licenses shall cause a true and correct copy of this Final Order to be served upon the Respondent's attorney and the State's attorney by mailing a copy to them at their addresses as provided.

DATED this 17 day of December, 1998.

STATE BOARD OF CHIROPRACTIC
PHYSICIANS

By 
GLENN W. MOLDENHAUER, D.C.
Chairman

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on the 21 day of December, 1998, I caused to be served, by the method(s) indicated, a true and correct copy of the foregoing upon:

Charles B. Lempesis
Attorney at Law
W. 201 7th Avenue
Post Falls, Idaho 83854
Attorney for Respondent

☐ U.S. Mail
☒ Certified Mail
☐ Hand Delivery

Kirsten L. Wallace
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010
Attorneys for State

☐ U.S. Mail
☒ Certified Mail
☐ Hand Delivery


Carmen Westberg, Bureau Chief
Bureau of Occupational Licenses

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